

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS  
SPECIAL MEETING  
MAY 13, 2002**

The Tippecanoe County Commissioners met on Monday, May 13, 2002 at 10:30 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President KD Benson, and Member Ruth E. Shedd; Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Knochel called the meeting to order.

***HEARING: PETITION OF VACATION OF A PUBLIC WAY: Swisher Rd. (Continued from April 1, 2002)***

Dan Saffen, Chief Landscape Architect for the DNR Engineering Division, and Kevin Rarrick, PE and Project Manager for Quant Engineer Designers for Phase 1 of Prophetstown State Park, presented the Petition for Vacation of a portion of Swisher Road.

Mr. Rarrick offered a compromise to vacating Swisher Road before active recreation begins in the Park. After the bridge is constructed, they propose leaving the north portion of the temporary run-around and constructing an intersection at Swisher Road. He said an intersection at this point will meet INDOT's sight standards. If the County will agree to continue maintenance of Swisher Road, they will ask INDOT to maintain the run-around.

When Tippecanoe County Highway Executive Director Mark Albers was asked to comment, he stated that he understands the concept and approves the proposed compromise.

When active recreation begins in the Park, Mr. Saffen requested binding authorization, with 30 days notice to property owners, that the Commissioners will vacate Swisher Road and allow INDOT to dismantle the remaining temporary run-around.

***ORDINANCE 2002-19-CM: Vacating a Portion of Swisher Road***

Attorney Luhman read Ordinance 2002-19-CM

(quote)

**COUNTY OF TIPPECANOE  
ORDINANCE NO. 2002-19-CM  
VACATING A PORTION OF SWISHER ROAD  
IN TIPPECANOE TOWNSHIP, TIPPECANOE COUNTY, INDIANA**

WHEREAS, State of Indiana, Department of Natural Resources, petitioner, has filed a petition pursuant to I.C. 36-7-3-12 to vacate a certain portion of Swisher Road in Tippecanoe Township, Tippecanoe County, Indiana; and

WHEREAS, proper notice was given to all abutting land owners; and

WHEREAS, a public hearing was held on Monday, April 23, 2002, at 10:33 a.m. on the petition, which hearing was continued to and reconvened on Monday, May 13, 2002 at 10:30 a.m.;

WHEREAS, the commissioners have determined that the petition is in order and should be granted;  
NOW, THEREFORE, BE IT ORDAINED that:

Section 1. The public way along the following described real estate, commonly known as a portion of Swisher Road, located in Tippecanoe Township in Tippecanoe County is hereby vacated:

A part of Burnetts Reserve No. 4, Township 24 North, Range 4 West, Tippecanoe Township, Tippecanoe County, Indiana, described as follows: Commencing at the northeast corner of said Burnetts

Reserve No. 4, which corner is on the center line of S.R. 225; thence South 40 degrees 14 minutes 12 seconds East 1,290.11 feet along said center line; thence South 49 degrees 45 minutes 48 seconds West 40.00 feet to the intersection of the southwestern boundary of S.R. 225 and the northern boundary of Swisher Road as established per Indiana State Highway Commission Project S-154(8) approved February 8, 1971 and the point of beginning of this description; thence along said northern boundary the following 5 courses: (1) South 06 degrees 21 minutes 30 seconds West 70.71 feet; thence (2) South 51 degrees 21 minutes 30 seconds West 1,119.00 feet; (3) thence South 51 degrees 40 minutes 44 seconds West 336.40 feet; (4) thence South 30 degrees 49 minutes 37 seconds West 551.79 feet; (5) thence South 31 degrees 32 minutes 53 seconds West 437.00 feet to the northeastern boundary of the 7.21 acre Deboy tract; thence South 54 degrees 22 minutes 31 seconds East 88.81 feet to the southern boundary of said Swisher Road as established per said Project S-154 (8); thence along said southern boundary the following 6 courses: (1) thence North 30 degrees 22 minutes 09 seconds East 351.56 feet; (2) thence North 30 degrees 50 minutes 03 seconds East 382.69 feet; (3) thence North 36 degrees 56 minutes 31 seconds East 243.65 feet; (4) thence North 46 degrees 58 minutes 01 second East 319.52 feet; (5) thence North 51 degrees 21 minutes 30 seconds East 1,118.00 feet; (6) thence South 83 degrees 38 minutes 30 seconds East 70.71 feet to said southwestern boundary of S.R. 225; thence North 38 degrees 38 minutes 30 seconds West along said southwestern boundary 180.00 feet to the point of beginning containing 4.833 acres, more or less.

Section 2. An illustration of said vacation is attached hereto as Exhibit A.

Section 3. This Ordinance shall be in full force and take effect on the date which the Petitioner files with the Board of Commissioners of Tippecanoe County and records in the Office of Recorder of Tippecanoe County, in the Affidavit of -the Director of the Indiana Department of Natural Resources certifying the date upon which Prophetstown State Park shall be officially open to the general public for active recreation, which date shall be not less than thirty days after the date of filing of such affidavit.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and read for the first time, and approved on first reading this \_\_\_\_\_ day of May, 2002, by the following vote:

**VOTE**

**BOARD OF COMMISSIONERS OF  
TIPPECANOE COUNTY**

John Knochel

\_\_\_\_\_  
John Knochel, President

KD Benson

\_\_\_\_\_  
KD Benson, Vice President

Ruth E. Shedd

\_\_\_\_\_  
Ruth E. Shedd, Member

ATTEST:

\_\_\_\_\_  
Robert A. Plantenga, Auditor

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and read for the second time, and adopted this \_\_\_\_\_ day of May, 2002, by the following vote:

**VOTE**

**BOARD OF COMMISSIONERS OF  
TIPPECANOE COUNTY**

John Knochel

\_\_\_\_\_  
John Knochel, President

KD Benson

\_\_\_\_\_  
KD Benson, Vice President

Ruth E. Shedd

\_\_\_\_\_  
Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor

(unquote)

## PUBLIC COMMENTS

Dale Gibson, 7010 Indian Mound Trail, Battleground: Mr. Gibson said the Park will have recreational and historical value and requested the vacation of Swisher Road to move the project forward.

George Stine, 3604 Donna Dr., Laf.: As a landowner on Swisher Road and a camper, he said there is no need for a gate house at this time for campers. He has camped in many other campgrounds where a Ranger collects the fees or a drop box is used on the honor system. Mr. Stine believes it is a waste of tax money to vacate Swisher Road because he said it was resurfaced within the last two years.

Marilyn Riggle, 5448 Swisher Rd.: Mrs. Riggle said this won't be a park until the gravel pit is out of the boundary and the lake is dug. She said their lives have been put on hold and they are being held hostage because the DNR doesn't have the funding to purchase their property. She requested the inclusion of the following in the record:

(quote)

### No Way to Build a Park

Fourteen years ago, the Department of Natural Resources said that the land needed for the Prophetstown State Park would be in hand within five years. During these 14 years, the DNR has allowed part of the land taken to be used for museums: a 1920's farmhouse and a prairie grass field where one day a fifty-million dollar Indian museum is to be erected. Right now, the DNR is touting the opening of this limited area as the official opening of the Park. To date, much of the land in the park perimeter is still not in the possession of the DNR. How can a partial park be opened? Plans are being made for a camp ground and a bike trail. How can this happen when the total land needed has not been taken? If anything, this is a piecemeal park.

What of the people who own land within the park perimeter? Why has the DNR, in 14 years, not purchased that property? Landowners are deprived of the full use of their property; they must pay the taxes, the insurance and continue to maintain buildings. During 14 years, circumstances change. Most of the landowners are elderly and wish to be finished with this mess, but they cannot sell to anyone except the DNR. Is the DNR waiting for these seniors to die so that the tax consequences will enable a cheap buy? The economic, mental and physical burden placed on these owners is unwarranted and unjustifiable.

The DNR says the gravel pit operating within the boundaries of the park will provide a fishing lake. The time schedule for this lake is uncertain, but if all the gravel is to be dug, perhaps thirty years is not an unlikely time. Even five years is unreasonable considering the unhappy plight of the landowners. The land around the lake is the land that the DNR has not purchased. What need is there to purchase land that can't be sold to anyone else? Why not wait until the lake is finished to buy that land? What difference if the people who own that land are being ruined?

Would somebody please tell the DNR -THIS IS NO WAY TO BUILD A PARK.

(unquote)

Meredith Richmond, 106 Main St., Battleground: Mrs. Richmond said she is pleased with the compromise because a lot of Battleground residents use Swisher Road. She stressed the importance of the DNR giving the homeowners on the road the 30 day notice before it is closed.

Nola Gentry, 2722 Covington St., W. Laf.: As President of the Museums of Prophetstown Board of Directors, Ms Gentry thinks this is an excellent compromise that keeps the road open to the public and will help continued development of the museums.

Jim Bodenmiller, 3620 Greenfield Ln, W. Laf.: Mr. Bodenmiller also thinks this is a good compromise. Although he is disappointed with the slow development of the Park, he thinks this compromise will keep the project moving.

Dana Smith, 515 Hillcrest, W. Laf.: Mr. Smith thinks we should continue to support the Park. He said the compromise will let us continue development of the Park and allow traffic flow.

George Riggle, 5448 Swisher Rd: Mr. Riggle told the Commissioners they have the power to do what is right. He thinks the money should be used to purchase the property before spending it to build a by-pass.

Chuck Scholer, 807 Essex St., W. Laf.: Mr. Scholer thinks the compromise is satisfactory and urged the Commissioners to approve it.

Susan Nesbitt, 7202 Greenview, Battleground: As a supporter of the Park and Museums, Ms Nesbitt said progress always interferes with someone but development has to be for the majority.

Sue Scholer, 807 Essex St., W. Laf.: As a State Legislator, Mrs. Scholer said they are attune to the extreme hardship on the residents, but the money is not currently available to purchase the remaining properties due to the State Budget crisis. The money for this particular project is available and she thinks this is a good compromise.

Henry Wadsworth, 1132 Ravinia Rd., W. Laf.: Mr. Wadsworth, Treasurer of the Museums of Prophetstown Board of Directors, thinks this is a workable compromise. He hopes this gesture of cooperation and compromise will help the project move forward.

James Brewster, 334 Hollowood Dr., W. Laf.: As a volunteer at Prophetstown, Mr. Brewster said he uses Swisher twice a day. Saying this is not the time to try to stop or delay the Park, he thinks it will be more agonizing if the project is slowed.

Commissioner Shedd asked if the DNR has a timetable for purchasing the remaining acreage because in the previous meeting on April 23, 2002, she said she understood Mrs. Riggle to say they had not been contacted by the DNR. Mrs. Riggle responded that their property was appraised but they haven't been told the amount.

John Davis, DNR Deputy Director, acknowledged the hardship on residents when land is purchased piece-meal. He said they are trying to move on the Riggle's property by looking for funding sources other than the State's General Fund.

Commissioner Benson said she understands that INDOT controls SR 225 and vacating Swisher Road now would make it a dead end. The compromise is an opportunity for landowners to use the road and allow development of the Park to move forward. She said the Commissioners cannot force the DNR to purchase property.

Commissioner Knochel said he understands the property owners' concerns because his farm was in the boundaries of the proposed Sugar Creek State Park. He thinks the DNR has done what was asked and he is pleased with the compromise.

- Commissioner Benson moved to approve Ordinance 2002-19-CM on first reading, seconded by Commissioner Shedd.

Auditor Plantenga recorded the vote:

John Knochel    Yes  
KD Benson      Yes  
Ruth Shedd     Yes

- The motion to approve Ordinance 2002-19-CM on first reading passed 3 – 0.
- Commissioner Benson moved to suspend the rules and allow a vote on second reading the same day as

presented, seconded by Commissioner Shedd; motion carried.

- Commissioner Benson moved to approve Ordinance 2002-19-CM on second reading, seconded by Commissioner Shedd.

Auditor Plantenga recorded the vote:

KD Benson	Yes
Ruth Shedd	Yes
John Knochel	Yes

- The motion to approve Ordinance 2002-19-CM on second reading passed 3 – 0.

### ***ADJOURNMENT***

- Commissioner Benson moved to adjourn, seconded by Commissioner Shedd; motion carried.

Robert A. Plantenga, Auditor